

# Order

Michigan Supreme Court  
Lansing, Michigan

March 30, 2012

Robert P. Young, Jr.,  
Chief Justice

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

144160 & (22)

GWENDOLYN McCLENDON, as Personal  
Representative of the Estate of RHONDA  
TOLBERT, Deceased,  
Plaintiff-Appellee,

v

SC: 144160  
COA: 305984  
Wayne CC: 02-226917-NH

DIMITRIOS APOSTOLOU, M.D., WALTER  
FRASHER, PA-C, PETER MANCINI II, M.D.,  
and HARPER HUTZEL HOSPITAL,  
Defendants,

and

ALLEN WILLIAMS, M.D. and MERCY  
MEMORIAL HOSPITAL CORPORATION,  
Defendants-Appellants.

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On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the October 28, 2011 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the order of the Wayne Circuit Court granting the plaintiff's motion to reinstate the complaint, because the delay in filing the motion, in excess of three and one half years, was unjustified. We REMAND this case to that court for entry of an order granting the defendants' motion to dismiss.

MARILYN KELLY and HATHAWAY, JJ., would deny leave to appeal.



d0327

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 30, 2012

*Corbin R. Davis*

Clerk